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EXAMINER

MERCHANT, SHAHID R

ART UNIT	PAPER NUMBER
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3694

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/826,443

Applicant(s)

JONES ET AL.

Examiner

Shahid R. Merchant

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/24/2005.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 3, 5 and 7-14 objected to because of the following informalities: the term "the operation" should be changed to "the method" to remain consistent with terminology of claim 1. Appropriate correction is required.
2. Claim 6 objected to because of the following informalities: the term "loan" should be changed to "loan application" to remain consistent with terminology of claim 1. For examining purposes, Examiner interprets "loan" to refer to "loan application." Appropriate correction is required.
3. Claim 11 objected to because of the following informalities: there should be a space between "claim" and "1". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 6-9, 11, 13, 15-20, 22-25, 27, 29-35, 40-41, 43-44 and 51-57 rejected under 35 U.S.C. 102(b) as being anticipated by Dhar et al., U.S. Patent Application Publication 2002/0040339 (see PTO-892, Ref. A).

6. As per claim 1, Dhar teaches a method for allocating loans among a plurality of lending entities comprising:

receiving information associated with a loan application (see paragraphs 54, 59, 95 and Figure 3, step 30);

determining whether each of a plurality of lending entities is eligible to fund the loan application (see paragraphs 95-97);

prioritizing at least a portion of eligible lending entities according to at least one predetermined rule (see paragraphs 103-104); and

selecting an eligible lending entity from the prioritized eligible lending entities (see paragraphs 101 and 104).

7. As per claim 2, Dhar teaches the method of claim 1 as described above. Dhar further teaches wherein the information associated with the loan application comprises a zip code (see paragraph 61).

8. As per claim 3, Dhar teaches the method of claim 2 as described above. Dhar further teaches wherein the operation of determining whether a lending entity is eligible to fund the loan application comprises determining whether the lending entity is eligible to fund a loan application associated with the zip code (see paragraph 95).

9. As per claim 4, Dhar teaches the method of claim 1 as described above. Dhar further teaches wherein the information associated with the loan application comprises a loan amount (see paragraph 104).

10. As per claim 6, Dhar teaches the method of claim 1 as described above. Dhar further teaches wherein the information associated with the loan comprises at least one of a regional descriptor, a national descriptor, a metropolitan descriptor, a county descriptor and a geographic descriptor (see paragraph 61).

11. As per claim 7, Dhar teaches the method of claim 1 as described above. Dhar further teaches wherein the operation of determining whether a lending entity is eligible to fund the loan application comprises determining whether the lending entity is eligible to lend in the at least one of a regional descriptor, a national descriptor, a metropolitan descriptor, a county descriptor and a geographic descriptor (see paragraph 95).

12. As per claim 8, Dhar teaches the method of claim 1 as described above. Dhar further teaches wherein the operation of determining whether a lending entity is eligible to fund the loan application comprises determining whether the loan application meets at least one predetermined criteria of the lending entity (see paragraphs 97-104).

13. As per claim 9, Dhar teaches the method of claim 1 as described above. Dhar further teaches wherein the operation of prioritizing at least a portion of the eligible lending entities comprises determining whether a preferred lending entity exists for funding the loan application (see paragraphs 44 and 95).

14. As per claim 11, Dhar teaches the method of claim 1 as described above. Dhar further teaches wherein the operation of prioritizing at least a portion of the eligible

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lending entities comprises determining whether a local lending entity exists for funding the loan application (see paragraphs 59-61).

15. As per claim 13, Dhar teaches the method of claim 1 as described above. Dhar further teaches wherein the operation of prioritizing at least a portion of the eligible lending entities comprises grouping the eligible lending entities (see paragraph 104).

16. As per claim 15, Dhar teaches the method of claim 1 as described above. Dhar further teaches further comprising generating a list of at least one lending entity eligible to fund the loan application (see paragraph 104).

17. As per claim 16, Dhar teaches the method of claim 1 as described above. Dhar further teaches further comprising assigning the loan application to the selected eligible lending entity (see paragraph 57).

18. As per claim 17, Dhar teaches a system for allocating loans comprising: at least one data storage device comprising:

information associated with a plurality of lending entities available for lending (see paragraphs 28-30), and

information associated with a loan application (see paragraphs 54, 59, 95 and Figure 3, step 30); and

an allocation engine comprising a processor (see paragraphs 17 and 18), the processor adapted to:

determine whether each of the plurality of lending entities is eligible to fund the loan application (see paragraphs 95-97),

prioritize at least a portion of the eligible lending entities according to at least one predetermined rule (see paragraphs 103-104), and

select an eligible lending entity from the prioritized eligible lending entities (see paragraphs 101 and 104).

19. Claim 18 recites similar limitations to claim 2 and thus rejected using the same art and rationale in the rejection of claim 2 as set forth above.

20. Claim 19 recites similar limitations to claim 3 and thus rejected using the same art and rationale in the rejection of claim 3 as set forth above.

21. Claim 20 recites similar limitations to claim 4 and thus rejected using the same art and rationale in the rejection of claim 4 as set forth above.

22. Claim 22 recites similar limitations to claim 6 and thus rejected using the same art and rationale in the rejection of claim 6 as set forth above.

23. Claim 23 recites similar limitations to claim 3 and thus rejected using the same art and rationale in the rejection of claim 3 as set forth above.

24. Claim 24 recites similar limitations to claim 8 and thus rejected using the same art and rationale in the rejection of claim 8 as set forth above.

25. Claim 25 recites similar limitations to claim 11 and thus rejected using the same art and rationale in the rejection of claim 11 as set forth above.

26. Claim 27 recites similar limitations to claim 11 and thus rejected using the same art and rationale in the rejection of claim 11 as set forth above.

27. Claim 29 recites similar limitations to claim 13 and thus rejected using the same art and rationale in the rejection of claim 13 as set forth above.

28. Claim 30 recites similar limitations to claim 14 and thus rejected using the same art and rationale in the rejection of claim 14 as set forth above.

29. As per claim 31, Dhar teaches the system of claim 17 as described above. Dhar further teaches wherein the data storage device comprises a database (see paragraphs 17 and 29).

30. Claim 32 recites similar limitations to claim 15 and thus rejected using the same art and rationale in the rejection of claim 15 as set forth above.

31. Claim 33 recites similar limitations to claim 16 and thus rejected using the same art and rationale in the rejection of claim 16 as set forth above.

32. As per claim 34, Dhar teaches the system of claim 33 as described above. Dhar further teaches wherein the processor is further adapted to notify the selected eligible lending entity (see paragraph 57).

33. As per claim 35, Dhar teaches the system of claim 17 as described above. Dhar further teaches wherein the information associated with a plurality of lending entities comprises eligibility criteria for at least one of the plurality of lending entities (see paragraphs 59-61).

34. As per claim 40, Dhar teaches the system of claim 17 as described above. Dhar further teaches wherein the information associated with a plurality of lending entities comprises an affiliation of at least one of the plurality of lending entities (see paragraph 60).

35. As per claim 41, Dhar teaches the system of claim 17 as described above. Dhar further teaches wherein the information associated with a plurality of lending entities

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comprises information related to an association in which at least one of the plurality of lending entities participates (see paragraphs 59-61 and 85).

36. As per claim 43, Dhar teaches the system of claim 17 as described above. Dhar further teaches wherein the information associated with the plurality of lending entities is stored on a plurality of networks associated with the plurality of lending entities (see paragraphs 17-19, 27, 28 and 30).

37. As per claim 44, Dhar teaches the system of claim 17 as described above. Dhar further teaches wherein the information associated with the plurality of lending entities is stored on a network of a clearing house (see paragraph 28).

38. As per claim 51, Dhar teaches a method for allocating loan applications among a plurality of lending entities comprising:

storing information associated with a plurality of lending entities, wherein the information associated with the plurality of lending entities comprises at least one eligibility criteria (see paragraphs 17, 29 and 59-61);

updating the information associated with the plurality of lending entities (see paragraph 29);

receiving information associated with a loan application (see paragraph 59); and

determining a lending entity of the plurality of lending entities to assign the loan application based upon the at least one eligibility criteria (see paragraphs 59-61); and

assigning the loan application to the lending entity (see paragraph 57).

39. As per claim 52, Dhar teaches the method of claim 51 as described above. Dhar further teaches wherein the information associated with the plurality of lending entities is stored on a centralized network (see paragraphs 17-18 and Figure 2).

40. As per claim 53, Dhar teaches the method of claim 51 as described above. Dhar further teaches wherein the information associated with the plurality of lending entities is stored on a centralized data storage device (see paragraphs 17-18 and Figure 2).

41. As per claim 54, Dhar teaches the method of claim 51 as described above. Dhar further teaches wherein the information associated with the plurality of lending entities is stored on a plurality of networks associated with the plurality of lending entities (see paragraphs 17-18 and Figure 2).

42. As per claim 55, Dhar teaches the method of claim 51 as described above. Dhar further teaches wherein the operation of updating the information associated with the plurality of lending entities is performed from a clearing house (see paragraph 29).

43. As per claim 56, Dhar teaches the method of claim 51 as described above. Dhar further teaches wherein the operation of updating the information associated with the plurality of lending entities is performed from a network associated with at least one of the plurality of lending entities (see paragraph 29).

44. As per claim 57, Dhar teaches the method of claim 51 as described above. Dhar further teaches wherein the operation of updating the information associated with the plurality of lending entities is performed by at least one of the plurality of lending entities (see paragraph 29).

45. Claims 45-50 rejected under 35 U.S.C. 102(b) as being anticipated by DeFrancesco et al., U.S. Patent No. 5,878,403 (see PTO-892, Ref. B).

46. As per claim 45, DeFrancesco teaches a method for allocating automobile loans among a plurality of lending entities comprising:

receiving information associated with a automobile financing application (see column 21, lines 66-67 and column 22, lines 1-14);

determining whether each of a plurality of lending entities is eligible to fund the automobile financing application (see column 22, lines 1-14);

prioritizing at least a portion of the eligible lending entities according to at least one predetermined rule (see column 22, lines 11-14); and

selecting an eligible lending entity from the prioritized eligible lending entities (see column 22, lines 11-14).

47. As per claim 46, DeFrancesco teaches the method of claim 45 as described above. DeFrancesco further teaches wherein the information associated with the automobile financing application is received from an automobile dealership (see column 21, lines 66-67 and column 22, lines 14-26).

48. As per claim 47, DeFrancesco teaches the method of claim 45 as described above. DeFrancesco further teaches wherein the information associated with the

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automobile financing application is received by a clearing house (see column 22, lines 44-67 and column 23, lines 1-14).

49. As per claim 48, DeFrancesco teaches the method of claim 45 as described above. DeFrancesco further teaches further comprising generating a list of at least one lending entity eligible to fund the automobile financing application (see column 22, lines 11-14).

50. As per claim 49, DeFrancesco teaches the method of claim 45 as described above. DeFrancesco further teaches further comprising assigning the loan application to the selected eligible lending entity (see column 22, lines 11-14).

51. As per claim 50, DeFrancesco teaches the system for allocating automobile loan applications among a plurality of lending entities comprising:

at least one data storage device comprising (see column 18, lines 8-32): information associated with a plurality of lending entities available for providing automobile financing, and information associated with an automobile financing application (see column 18, lines 8-32, column 21, lines 66-67 and column 22, lines 1-14); and

an allocation engine comprising a processor, the processor adapted to (see column 22, lines 1-14): determine whether each of the plurality of lending entities is eligible to fund the automobile financing application, prioritize the list of eligible lending entities according to at least one predetermined rule, and select an eligible lending entity from the prioritized eligible lending entities (see column 22, lines 11-14).

Claim Rejections - 35 USC § 103

52. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

53. Claims 5, 10, 12, 14, 21, 26, 28, 36-39 rejected under 35 U.S.C. 103(a) as being unpatentable over Dhar et al., U.S. Patent Application Publication 2002/0040339 (see PTO-892, Ref. A) in view of Louie et al., U.S. Patent Application Publication 2001/0054022 (see PTO-892, Ref. C).

54. As per claim 5, Dhar teaches the method of claim 4 as described above. Dhar does not explicitly teach determining whether the lending entity has funds sufficient to lend the loan amount.

Louie teaches determining whether the lending entity has funds sufficient to lend the loan amount (see paragraph 6).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Dhar and Louie to determine whether entity has sufficient funds to for the loan amount because several banks or lending institutions might instead underwrite a loan to lesson the impact of risk as taught by Louie (see paragraph 6).

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55. As per claim 10, Dhar teaches the method of claim 1 as described above. Dhar further teaches sorting the eligible lending entities. Dhar does not explicitly teach according to an amount of allocated funds that are available for lending.

Louie teaches according to an amount of allocated funds that are available for lending (see paragraph 6).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Dhar and Louie to determine the amount of allocated funds available for lending because it would allow lenders to know if they can fund a loan alone or with several banks or lending institutions to reduce the impact of risk as taught by Louie (see paragraph 6).

56. As per claim 12, Dhar teaches the method of claim 1 as described above. Dhar does not explicitly teach wherein the operation of prioritizing at least a portion of the eligible lending entities comprises determining whether a lending entity is eligible to fund the loan application through an association of lending entities.

Louie teaches wherein the operation of prioritizing at least a portion of the eligible lending entities comprises determining whether a lending entity is eligible to fund the loan application through an association of lending entities (see paragraphs 6-7).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Dhar and Louie to determine if lending is by a single entity or several entities because it would allow lenders to reduce the impact of risk if loan is funded by several entities as taught by Louie (see paragraph 6).

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57. As per claim 14, Dhar teaches the method of claim 13 as described above. Dhar teaches grouping the eligible lending entities. Dhar does not explicitly teach wherein the operation of grouping the eligible lending entities according to whether the lending entities are eligible to fund the loan application on their own or through an association of lending entities.

Louie teaches wherein the operation of determining whether the lending entities are eligible to fund the loan application on their own or through an association of lending entities. (see paragraphs 6-7).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Dhar and Louie to determine if lending is by a single entity or several entities because it would allow lenders to reduce the impact of risk if loan is funded by several entities as taught by Louie (see paragraph 6).

58. Claim 21 recites similar limitations to claim 5 and thus rejected using the same art and rationale in the rejection of claim 5 as set forth above.

59. Claim 26 recites similar limitations to claim 10 and thus rejected using the same art and rationale in the rejection of claim 10 as set forth above.

60. Claim 28 recites similar limitations to claim 12 and thus rejected using the same art and rationale in the rejection of claim 12 as set forth above.

61. As per claim 36, Dhar teaches the method of claim 17 as described above. Dhar does not explicitly teach wherein the information associated with a plurality of lending

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entities comprises an amount of allocated funds for at least one of the plurality of lending entities.

Louie teaches wherein the information associated with a plurality of lending entities comprises an amount of allocated funds for at least one of the plurality of lending entities (see paragraph 6).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Dhar and Louie to determine the amount of allocated funds available for lending because it would allow lenders to know if they can fund a loan alone or with several banks or lending institutions to reduce the impact of risk as taught by Louie (see paragraph 6).

62. As per claim 37, Dhar teaches the method of claim 17 as described above. Dhar does not explicitly teach wherein the information associated with a plurality of lending entities comprises a cap for at least one of the plurality of lending entities.

Louie teaches wherein the information associated with a plurality of lending entities comprises a cap for at least one of the plurality of lending entities (see paragraph 6).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Dhar and Louie to determine the cap on allocated funds available for lending because it would allow lenders to know if they can fund a loan alone or with several banks or lending institutions to reduce the impact of risk as taught by Louie (see paragraph 6).

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63. As per claims 38 and 39, Dhar teaches the method of claim 17 as described above. Dhar does not explicitly teach wherein the cap comprises a cap of funds allocated for an individual loan or plurality of loans.

Louie teaches wherein the cap comprises a cap of funds allocated for an individual loan or plurality of loans (see paragraph 6).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Dhar and Louie to determine the cap on allocated funds available for lending for an individual loan or a plurality of loans because it would allow lenders to know if they can fund a loan alone or with several banks or lending institutions to reduce the impact of risk as taught by Louie (see paragraph 6).

64. Claim 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Dhar et al., U.S. Patent Application Publication 2002/0040339 (see PTO-892, Ref. A) in view of DeFrancesco et al., U.S. Patent No. 5,878,403 (see PTO-892, Ref. B).

65. As per claim 42, Dhar teaches the system of claim 17 as described above. Dhar does not explicitly teach wherein the loan application comprises an application for financing acquisition of an automobile.

DeFrancesco teaches wherein the loan application comprises an application for financing acquisition of an automobile (see column 2, lines 14-26).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Dhar and DeFrancesco to have a loan application for the acquisition of an automobile because it would allow an applicant to get a loan quickly by reducing the processing time by lenders as taught by DeFrancesco (see column 4, lines 61-62).

Conclusion

The Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid R. Merchant whose telephone number is 571-270-1360. The examiner can normally be reached on First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammel can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SRM


ELLA COLBERT
PRIMARY EXAMINER